

REMARKS

This Amendment is submitted simultaneously with filing of the Request for Continuing Examination, and in response to the Office Action of March 9, 2006 and the Advisory Action.

With the present Amendment applicants amended claim 1 and 5, the broadest method and apparatus claims, to more clearly define the present invention and to distinguish it from the prior art.

More particularly, in the method and apparatus for collision detection in accordance with the present invention, the sensor is directly connected to a low pass filter and also directly connected to the threshold value decider, the unfiltered signal is compared with a predetermined plausibility threshold without a wavelet transformation, and then a collision is detected on the basis of a comparison and of the filtered signal.

In contrast, in the patent to Ito, the output of the sensor is connected to a wavelet transformation and then to a threshold decider. Thus, the difference between the solution proposed in the patent to Ito and the invention disclosed in the present application, is the signal processing of the signal using a wavelet transformation in the prior art.

A wavelet transformation, however, demands time whereas the direct connection of the sensor to the threshold decider skips this additional signal processing, thus saving time. Therefore, there is only the option to exchange unfiltered with raw data signal, which is specifically explained in the specification on page 4, the fourth but last line. Another option is to exchange the limitation an unfiltered signal with that the sensor is connected via its output to a threshold value decider, as explained on page 4, second paragraph, second sentence.

It is the main advantage of the present invention to have a high speed plausibility sensor. This can not be achieved by a wavelet transformation which consumes a considerable amount of time because it is necessary to use a processor to achieve this transformation.

In view of the above presented remarks and amendments, it is believed to be clear that the new features of the present invention as defined in claims 1 and 5 are not disclosed in the patent to Ito applied by the Examiner.

As for the patent to Dalum cited in combination with the patent to Ito, it is respectfully submitted that it discloses the use of the acceleration signal and its filtering over a predetermined interval or window to form a window velocity signal, which is equal to a low pass filtering. This reference does not disclose the comparison of the unfiltered signal to a threshold as well. Thus, this reference

also does not teach the new features of the present invention as defined in the amended claims 1 and 10.

The Examiner rejected the claims over the combination of the references. As explained herein above, none of the references teaches the new features of the present invention as defined in the amended claims 1 and 5. In order to arrive at the applicant's invention from the references, the references have to be fundamentally modified by including into them the new features of the present invention as now defined in the amended claim 1 and 5.

However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification. This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

As explained herein above, the present invention also provides for the highly advantageous results which can not be accomplished by the methods and apparatuses disclosed in the references. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish

applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushima and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claims 1 and 5 as amended should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, they share their presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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